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STEVEN P. SKABRAT
C/O BLAKELY, SOKOLOFF, TAYLOR &
ZAFMAN LLP
12400 WILSHIRE BOULEVARD, SEVENTH FLOOR
LOS ANGELES, CA 90025

MAIL

AUG 15 2005

DIRECTOR OFFICE
TECHNOLOGY CENTER 2600

In re Application of
S. Bennett, et al.
Application No. 09/882,563
Filed: June 15, 2001
For: **SELECTING ONE OF MULTIPLE
SPEECH RECOGNIZERS IN A SYSTEM BASED
ON PERFORMANCE PREDICTIONS
RESULTING FROM EXPERIENCE**

DECISION ON PETITION
TO WITHDRAW HOLDING OF
ABANDONMENT

This is a decision on the Petition to Withdraw the Holding of Abandonment filed July 27, 2005, pursuant to 37 C.F.R. 1.181(a). No fee is required.

This application was held abandoned for failure to timely file the Issue fee in response to the Notice of Allowance and Issue Fee Due mailed January 13, 2005. A Notice of Abandonment was mailed May 25, 2005.

Petitioner alleges that they did not receive the Notice of Allowance mailed January 13, 2005. In support of the petition, petitioner has provided a date stamped post card receipt showing that a Revocation and Power of Attorney was filed February 6, 2004. The Power of Attorney changed the correspondence address prior to the mailing of the Notice of Allowance on January 13, 2005. The Notice of Allowance was mistakenly mailed to a previous correspondence address resulting in an irregularity in mailing.

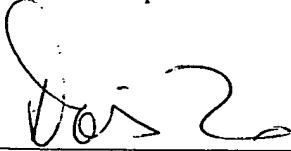
In view of the above stated reasons, the Notice of Allowance and Issue Fee Due mailed January 13, 2005 is hereby vacated. Also, the Notice of Abandonment mailed May 25, 2005 is hereby vacated and the holding of Abandonment withdrawn.

The petition is **GRANTED**.

Since it has been established that the Notice of Allowance mailed January 13, 2005 was not received, it is presumed that applicant also failed to receive the Notice of Allowability mailed with the Notice of Allowance. Accordingly, a new Notice of Allowance and Issue Fee Due will be mailed to the proper correspondence address of record and the period for response will be set to run from the date of the new mailing. A copy of the original Notice of Allowability that was mailed on January 13, 2005 will be included with the new mailing. Furthermore, the Revenue,

Accounting and Management (RAM) records show that an issue fee in the amount of \$1400.00 and a publication fee in the amount of \$300 have been charged on July 28, 2005.

Therefore, after the mailing of the new Notices, the file will be forwarded to Office of Publications to await a response to the Notice of Allowance and Issue Fee Due, which may include a request from applicant to reapply the previously paid issue fee.



Doris To
Special Program Examiner
Technology Center 2600
Communications